



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,711	07/12/2001	Kunihiko Fukui	0505-841P	1542
2292	7590	03/23/2011		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				EXAMINER GOINS, DAVEITTA WOODS
		ART UNIT 2612		PAPER NUMBER
		NOTIFICATION DATE 03/23/2011		DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KUNIHIKO FUKUI

Appeal 2010-002481
Application 09/902,711
Technology Center 2600

Before ALLEN R. MACDONALD, CARLA M. KRIVAK, and
THOMAS S. HAHN, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL¹

Appellant's appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1-18.² We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

² An oral hearing was held March 10, 2011

STATEMENT OF THE CASE

Appellant's claimed invention is an oil exchange timing indicating apparatus for informing a user as quickly as possible of the degree of degradation of engine oil when either an integrated value of the travel distances or an integrated value of operation times exceed a preset value. (Abstract).

Independent claim 1, reproduced below, is representative of the subject matter on appeal.

1. An oil exchange timing indicating apparatus for a vehicle, comprising:

odometer means for integrating travel distances of the vehicle;

operation time integrator means for integrating operation times of an engine mounted on the vehicle;

oil exchange informing means for informing a user of exchange timing of oil; and

controlling means for starting, when either an integrated value of the travel distances or an integrated value of the operation times, based on signals from said odometer means and said operation time integrator means exceeds a preset value, said oil exchange informing means to inform the user of the exchange timing of oil.

REFERENCES and ANALYSIS

The Examiner rejected claims 1-18 under 35 U.S.C. § 103(a) based upon the teachings of McDonald (US 6,327,900 B1) and Raffa (US 5,382,942).

The Examiner finds McDonald discloses determining engine revolutions over a predetermined interval. The Examiner submits although

“counted revolutions do not specifically ‘equate’ with time of operation, the use of time would have been obvious since McDonald” measures revolutions over a period of time (Ans. 5)

Appellant contends the predetermined interval recited in McDonald and relied on by the Examiner is “simply a time period during which an assessment of engine revolutions, engine oil temperature and engine oil contamination is performed.” Thus, Appellant asserts, the assessments performed during the time interval “do not yield data reflecting the time that the engine has been in operation.” (App. Br. 8, 11, and 13). We agree. Thus, McDonald does not suggest operation time integrator means and controlling means starting an oil exchange informing means when an integrated value of operation time or an integrated value of travel distances exceed a preset value (App. Br. 13). Raffa does not cure these deficiencies. Therefore, claims 1-18 are not obvious over the combination of McDonald and Raffa.

DECISION

The Examiner’s decision rejecting claims 1-18 is reversed.

REVERSED

kis

BIRCH STEWART KOLASCH & BIRCH
P. O. BOX 747
FALLS CHURCH, VA 22040-0747